LIS PENDENS,

not applicable in respect to municipal bonds, 514. (See Notice.) LIVERY STABLE,

not necessarily a nuisance, 374 n. on p. 449.

LOCAL ASSESSMENTS (see STREETS: TAXATION AND LOCAL ASSESS-

subject treated, chap. xix., 735 et seq.

LOCAL COURTS. (See MUNICIPAL COURTS.)

LOCAL IMPROVEMENTS (see ABUTTER; NOTICE; STREETS; TAXATION AND LOCAL ASSESSMENTS),

"public" and "local" improvements, construed, 597 n., 797 n.

right to make may be made to depend on vote of the people, 44.

act specially amending charter in respect to making, unconstitutional, 46. power of legislature to provide for improvement of city streets through commissioners, 58 a, n.

delegation of power to determine manner of making, 96.

notice of hearing in respect to, 266 n. on p. 348.

provisions as to manner of voting and record of vote, 291.

when interests of certain aldermen directly involved, question as to

when resolution without mayor's signature ordering local improvements void, 309 n.

ordinances in respect to, must not be partial or oppressive, 322 n.

individuals may promise to pay portion of expense, 458.

construction of charter provision as to liability for, 459 n.

ratification of contract for, 463 n.

when required to award work to lowest bidder, 468.

power to make contracts for, 452, 480-483, 769 n., 800, 801, 810.

contracts for, rights of contractor, 480-483.

liability of corporation, 480-483.

rights and remedies of the property owner, 481 n.

city liable for negligence of contractor, 237 n. on p. 324.

contractor enjoined from proceeding after repeal of ordinance, 314 n.

council to determine upon necessity and character of, 779.

power to make is a continuing one, 780.

assent of abutters is jurisdictional, 800-802.

conditions precedent to abutter's liability, 811, 812.

mandamus to compel making of, 831 n., 836.

certiorari to revise proceedings for, 926.

mandamus to compel issue of bonds, 752 n. on p 914, 831 n.

to compel levy on all taxable property to pay, 850 n. on p. 1033.

notice of proceedings, 266 n. on p. 348, 606 n., 802 a-804.

local assessments for, 480-482, 735 et seq., 796 et seq. (See TAXATION.) ratification of void local assessments, 77, 78, 751 n., 813 n. (See Curative

notice in proceedings to assess owners of land for, 606 n., 802 a-804. in estimating damages, proof that improvement was a nuisance, 625 n. assessment may be authorized after improvement is made, 656. statute of limitations held inapplicable to assessments for, 668 n.

The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052.

LOCAL IMPROVEMENTS - continued.

assessment for benefits against street railway, 721 n.

one who joins in petition cannot restrain collection of assessment, 923 n. inaction of property owner will estop him to object to assessment, 924 n.

irregularities in proceedings may invalidate assessment, 936.

unlawful tax for, exacted under color of process, recoverable back, 941. no liability for consequential damages from authorized public improve-

ments, 987 et seg.

LOCAL JUDGES, JURORS, AND WITNESSES, 431. "LOCAL OPTION LAWS," 44 n. on p. 78, 308 n.

mandamus to prevent entry upon record of vote, 838 n.

LOCAL SELF-GOVERNMENT,

basis of municipal corporations, 9-12, 44, 183.

right incapable of legislative destruction, 45 n. on p. 81, 72 n.

constitutional provisions to secure right of, 58 a.

LONDON,

condition in 1685, 3 a, n.

case of the city of, 8, 896.

public squares in, 645 n.

LOUISIANA,

recall of municipal powers conferred by legislature, a proper exercise of police power, 54 n. on p. 95.

whether municipalities can prescribe punishment for offence punishable under State law, 368 n. on p. 440.

rule in respect to mechanic's lien, 577 n.

doctrine in respect to alienation of dedicated property, 652.

public corporation cannot be deprived of its rights by adverse possession,

use by railway of batture in front of New Orleans without compensation to abutters, 701 n.

construction of constitutional provision as to rate of taxation, 69 n.

requiring equality and uniformity of taxation, 750, 756. rule as to assessment for local improvements, 752 n. on p. 913, 756.

statute of Anne as to quo warranto adopted in, 888 n.

rule as to liability for change of grade of streets, 990 n. on p. 1222.

LOWEST BIDDER (see Contracts; Highest Bidder),

provision requiring contracts to be let to, 466-470, 779 n., 912, 1027 n.

remedy when contract is awarded to another, 468 n.

as to right to writ of mandamus, 827 n., 832 n.

disregard of charter provision requiring contracts to be let to, 912.

civil liability where city is bound to let contract to, 1027 n.

LUCRATIVE OFFICES

defined, 207 n. on p. 291.

MACADAMIZING (see STREETS),

what confers power, and what it includes, 796, 797.

McDONOUGH'S WILL (see TRUSTEES AND TRUST PROPERTY), for education of poor in New Orleans and Baltimore, sustained, 569.

INDEX. The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052. McMICKEN'S WILL (see Trustees and Trust Property), similar devise to Cincinnati sustained, 570. MAGNA CHARTA, allusion to, 8 d, 68 n. on p. 114. monopolies are in conflict with, 362 n. (See Monopolies.) summary prosecutions for violation of by-laws not repugnant to, 433. MAINE. towns in. (See New England Towns.) statute of Anne as to quo warranto not in force in, 888 n. doctrine as to right of taxpayer to equitable relief, 920 n. rule as to liability for change of grade of streets, 990 n. on p. 1223. for defective streets, 1000 and note. MAJORITY (see Committee; Council; Elections; Meetings; Office AND OFFICER; QUORUM), of voters, 44 n. on p. 79. what is a majority vote, 164 n., 277, 551 n. when majority may lawfully execute powers of a public nature, 283 n. on extent of majority principle as to committees, public officers, &c., 283, 956 n. power to act when by-law requires two-thirds' vote, 288 n. contracts by majority of council, 455 n. of property owners or voters, consent of, 521-532, 551, 720. MANDAMUS (see CHAP. XX. on Mandamus), subject treated, 823 et seq. definition, nature, and functions of writ, 824-826. function of writ in England, 824. office of the writ, 827, 861 a, n. lies to give effect to a clear legal right, when, 830. how it differs from injunction, 826, 829 n. remedy extraordinary as distinguished from usual remedy of suitor, effect of pendency of suit in equity, 829 n. (See Equity.) inadequacy of ordinary or specific remedy, 831 a. respective functions of quo warranto and mandamus, 844. appropriate remedy to compel performance of a public duty, 920 n. when granted or refused, 611 n., 827-831 a. will not lie where party has right of appeal, 830 n. writ will be refused where it will be unavailing, 850 n. discretion of court as to granting of writ, 864 n. not allowed where right was merely equitable, 876 n. when not issued and when set aside, 880. statute of limitations applicable to, 850 n., 864 n. equity will not ordinarily interfere by injunction, 883 n. if mandamus will lie injunction will not be awarded, 906 n. remedy as respects mandatory and discretionary powers, 94, 832-837, 949,

1046 n. (See Powers and Duties.) to compel performance of ministerial act, 833, 834.

The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052, MANDAMUS - continued. official discretion not controllable by, 835, 836. writ as respects elections and officers, 194, 198 n., 202, 203, 838-847. personal liability of ministerial officers for refusal or neglect to obey writ, in case of doubt as to validity of election, court will not interfere by, 846 n. where corporator neglects or refuses to serve in office, 841. to admit to office, 198 n., 842-846. to restore to office, 248 n., 255, 847. does not lie to compel aldermen to perform official duties regularly, will not be refused because officers may be prosecuted criminally, 829. to council to reinstate alderman, 200 n. when officer accepts incompatible office, 227. to compel corporation to amove an officer, 251 n. (See Amotion.) when removed officer entitled to, 255. approval of official bond, not subject to review in mandamus, 830 n. remedy of State where supervisors omitted to perform particular duty, to enforce payment of official salaries, 831. to mayor, county commissioners, and other officers, 831 n. to Federal officers, 833. to public officers of a State, 834. title to office cannot ordinarily be determined in, 831, 892. when title to office may be settled in, 842-847. will lie to compel officer to deliver up property of the State, 848 n. liability to civil action by refusal to obey peremptory mandamus, 859. Boutwell's case as to public officers, 861 a. effect of resignations of officers, 861 a-861 d, 884. no abatement by death or resignation of corporate officers, 861 b. change in membership of council does not abate proceedings, 884. against officer, right of corporation to appeal, 884 n. to compel council to act upon sufficiency of sureties, 214 n. correction of record, 296 and n., 299 n. validity of ordinances tested by, 420. to compel delivery and inspection of books and papers, 302, 303, 846 n., to enforce duties towards creditors, 482, 576, 849-861 d. by levy and collection of taxes, 69 n., 173, 229, 737 n., 769 n., 830 n., appropriate remedy to enforce rights of creditors of dissolved municipality, 170. judgment against county which has no private property, enforced by, in enforcing payment by, plaintiff not restricted to particular property,

to compel municipality to pay judgments, New Jersey Act, 760 a, n. judgments not enforceable by mandamus in New England States, 849 n.

MANDAMUS - continued.

bonds issued under abrogated statute, judgment creditor not entitled to mandamus, 851 a.

when creditor must have judgment, 850, 853, 856, 860, 861.

not necessary to show that execution has been issued, 850 n.

is in the nature of execution of judgment, 861.

where creditor is entitled to have special tax levied, 852.

rights of creditors as depending on legislation at date of creation of debt, 854. (See Bonds, Municipal; Debts.)

remedy of bondholder is by mandamus, not equity, 855, 861 n., 861 a.

creditor entitled to enforce full exercise of power of taxation, 857.

distinction between bonds and warrants as to enforcement by, 862, 863. use of this remedy by the Federal courts, 515, 769 n., 856, 860, 861.

demand and refusal must be shown, 856, 861 a, n., 863 n., 866. judgment necessary in Federal courts, 856, 860, 861.

State courts cannot interfere with Federal courts, 861, 883.

application for the writ, how supported, 864.

verification on information and belief merely not sufficient, 866 n.

as to what relator must show, 853 n.

who may be a relator - official and private relators, 865.

when State may apply for writ, 865. when individuals may, 865.

demand, and what will excuse, 866.

formal demand not always necessary, 867.

rule nisi, or notice, dispensed with, 868.

form, direction, and service of writ, 869 et seq.

requisites of the writ, 869.

writ and information amendable, 870 n.

may be directed to the corporation or its officers, 861 b, 871.

official rather than personal name advisable, 874.

must be directed to officers in their proper capacity, 874.

may be directed to a de facto officer, 874 n., 892 n. (See Office and

misdirection and direction to right person by erroneous name, distinction, 875.

service of the writ, 875.

return and subsequent proceedings, 876, 877.

course open to respondent upon service of alternative writ, 877.

alternative writ is demurrable, 864 n.

granted ex parte in first instance, 868.

peremptory writ, 878-880.

attachment to enforce obedience, 881-883.

judgment in, 884.

appeal and supersedeas, 884 n.

particular instances illustrating use and application of writ, 835-837,

to enforce levy of taxes, 69 n., 74 a, 173, 229, 737 n., 760 a, n., 769 n., 827 n., 830 n., 836 n., 850, 853, 856, 860, 861, 863 n.

The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052.

MANDAMUS - continued.

Federal court cannot acquire jurisdiction in mandamus by way of removal from State court, 856 n.

to compel levy of taxes after regular time, 858.

to collect street assessments, 482, 609, 614, 831 n., 993.

to compel prosecution of local improvement, 831 n.

where council delay or refuse to order sale for delinquent taxes, 831 n.

to compel issuance of license, 309 n., 365 n., 831 n., 832 n.

approval of liquor dealer's bond, 832 n.

holding of municipal court, 424.

delivery of bonds and assessment of taxes to pay interest, 550 n. subscription to railroad, what municipality may show, 551 n.

to enforce payment of award by sale of city bonds, 608 n.

duty to issue local improvement bonds enforceable by, 752 n. on p. 914,

to compel levy of tax on all taxable property to pay, 850 n.

to compel issue of railway aid bonds, 826, 831 n.

as to right of "lowest bidder" to writ, 827 n., 832 n.

to enforce contract entered into by resolution of public body, 830 n.

on division of town, lies to compel apportionment of money, 831 n.

to compel issue and payment of orders or warrants, 849 n. on p. 1030. county subscription to railroad stock, 866 n.

city to take charge of and maintain a bridge, 74.

whether proper remedy in cases of non-repair of bridges and highways,

in respect to building of bridges, 836.

application to making of local improvements and repair of streets,

to compel building of court-house and jail, 835.

as to determination of site for county seat, 835.

to compel city to run a ferry as a toll ferry, 837, 867.

where owner has right to surrender his estate, power to compel city to take

lies to compel removal of obstructions in street, 836 n., 865 n.

by successful bidder for street railway franchise to compel acceptance of bond, 706 n.

to compel railway company to restore highway to proper condition, 707 n., 933 n.

to erect viaducts at crossings, 713 n.

to grade street at crossing, 1037 n.

MANDATORY AND DISCRETIONARY POWERS. (See Powers.)

MANUFACTURING COMPANY,

no implied power in municipality to aid, 161. statute authorizing issue of bonds to aid, void, 508.

MAP. (See PLAT.)

MARKETS (see ORDINANCES),

power to build, establish, and regulate, 141, 358 n., 380-389, 635. special powers in relation to, construed, 386. (See Property.)

MARKETS - continued.

power to purchase site for, and abandon, and change, 380 n., 382, 384, 447, 562, 635, 650 n.

discretionary power to build market-house cannot be interfered with, 94, 949cannot be built in street, 383, 660 n.

erection in street may be enjoined, 374 n.

definition, 380 n.

grants by municipality creating a monopoly, 380, 385 n., 386 n.

what are the requisites of a municipal market, 380 n.

power under general welfare clause, 384.

whether municipality may delegate to an individual the right to erect, 385.

extent of power to establish and regulate, 386, 985 n. how far sales elsewhere may be prohibited, 386.

place and times to be held and kept open, 384, 386 n.

city cannot abdicate its legislative powers in relation to, 385 n.

nor contract to create a monopoly, 385 n.

market stands in streets may be prohibited, 387.

requisites of complaints for violation of ordinance, 387 n. power to tax marketmen must be plainly conferred, 388.

regulate is a police power, 389.

control of city over tenants, 389 n.

inspection ordinances, 330, 344, 390, 392.

municipality may enter into partnership in relation to, 472.

"market bazaar" subject to levy and sale, 576 n.

no dower in land dedicated for market-house site, 594.

words "market square" on plat do not necessarily show dedicatory intent, 636 n.

dedication of land for, 648.

liability for injury resulting from unsafe condition of market-house, 985. MARKET-CART

in street, held not a nuisance per se, 374 n. on p. 449.

MARSHAL OF UNITED STATES,

collection of taxes by, 861.

MARYLAND.

as to liability of municipal corporations to garnishment, 101 n. construction of provision restricting power to create debts, 130. municipal courts in, 427 n. on p. 494.

damages for property taken to be assessed by jury, 618 n. rule as to assessment for local improvements, 752 n. on p. 919.

title to office may be tried in mandamus, 845.

doctrine as to right of taxpayer to equitable relief, 918.

MASSACHUSETTS (see New England Towns),

statutory provisions respecting towns, 28 n., 1000 n quo warranto against, 8.

distinction between "town" and "city," 28 n. on p. 48.

history of change of Boston from town to city, 28.

power of school-district to maintain action on contract to build school house, 43.

The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052.

MASSACHUSETTS - continued.

liability of municipal corporations to garnishment process, 101 n.

actions for breaches of by-laws are public prosecutions, 412.

complaint for violation of health ordinance, in whose name, 414 n.

municipal courts in, 427 n. on p. 494. power of selectmen to contract, 452 n.

limitation on power of towns to create indebtedness, 460 n.

English statutes of mortmain not in force in, 562 n.

doctrine in, as to submission to arbitration of assessments of benefits and damages, 621 n.

assessments for improvements, rule as to benefits, 625 n., 752 n. on p. 917. town ways must be established in mode prescribed by statute, 637 n.

abutter owns to middle of street, 663 n. (See ABUTTER.)

taxation for private purposes Boston Fire, 159 n., 746 n.

construction of provision requiring taxation to be "reasonable and proportional," 750 n.

statute of Anne as to quo warranto adopted in, 888 n.

doctrine as to right of taxpayer to equitable relief, 920 n.

rule as to liability for change of grade of streets, 990 n. on p. 1219. civil liability for unsafe streets and highways, 1000 and n., 1022.

MASTER AND SERVANT. (See RESPONDEAT SUPERIOR.)

MAYOR (see CHAPS. IX., X., OFFICE AND OFFICER),

nature and antiquity of office, 208, 209.

integral part of an old English corporation, 35, 260, 871.

not a State officer, 59.

powers and duties of, 208, 974.

provision made in charter for election of, 39.

and his duties defined, 39.

should have more power and responsibility, 13.

as to increasing the authority of, 37 n. on p. 66.

responsibility of mayor of English municipalities, 13 n.

liability to private actions, 208 n.

right to hold over, 217. (See Office and Officer.)

absence of mayor, when other officer shall act, 222.

where aldermen pass unauthorized ordinance depriving mayor of office, 235 n., 237 n. on p. 326.

notice to, when sufficient, 237 n. on p. 322.

when mayor's presence at corporate meeting is necessary, 260, 271.

English doctrine not applicable here, 271.

his presence, when an integral part of special body, 253 n.

when a member of the council, 273.

right and duty to preside, 270, 272. (See Presiding Officer.)

approval of proceedings of council, 271 n.

when he has the casting-vote, 270, 288 n.

concurrence in passage of ordinance, when necessary, 273, 309, 482 n.

signing of ordinances by, 331.

though interested in street improvement, not disqualified to preside in court, &c., 431 n.

INDEX. The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052. MAYOR - continued. judicial power of, 427 n., 434 n., 437. jurisdiction of mayor's court under statutes or special charters, 438 n. extent of jurisdiction territorially, 438 n. may take judicial notice of ordinances, when, 413 n. no incidental power to execute appeal bond, 208 n. power to remove police officer, 210 n. on p. 294. may be employed by city as an attorney, 292 n. municipal bonds signed by ex-mayor, 294 n., 331 n., 509 n. on p. 577, 519 n. removal of officer by mayor not conclusive, 255 n. writ of prohibition against, in cases of removal, 254 n. contract by, to lease a city park, void, 444 n. deed by mayor pro tem., 581 n. certificate of election, mandamus in favor of ineligible person refused, 827 n. mandamus to compel performance of duty as presiding officer, 831 n. mayor to sign license, 832 n. remedy to compel mayor to issue certificates of indebtedness to individual, 849 n. on p. 1030. power to bring suit to test legality of ordinances, 908 n. where a mayor secretly contracted to purchase at a discount city debentures, 912 n. quo warranto to determine legal right to office, 926 n. may be personally indicted for neglect of duty, 933. liability of city for acts and contracts of, 974 n. MEAT (see MARKETS), power to license and regulate sale of, 357 n., 358 n., 386, 387 n., 390 n., 396 n., 757 n., 793 n. exposure of unfit meat for sale, 390 n. MECHANIC'S LIEN against municipal property, 577. MEETINGS, CORPORATE (see Council; Majority; Notice; Quorum), majority of voters, 44 n. of old English municipalities, 35. affairs of corporation must be transacted at corporate meeting, 259, 270 n. requisites of valid corporate meeting, 258-261. notice of corporate meetings, 262, 285, 286. to whom and how given, and how waived, 263, 264. requisites of notice, 264-268. meetings, notice, &c., expressly regulated by English Municipal Corporations Act, 265. charter requirements as to notice must be followed, 263, 264. (See Notice.) as to proof of notice, 266 n. notice in respect to school meetings (in New York), 266 n. on p. 348. New England town meetings, 28, 266. requisites of notice, 266-268. time and place of meeting, 267. acts ratified by subsequent legal meeting, 268 n., 478.

when called by persons acting under color of authority, 273 n.

```
The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052.
MEETINGS, CORPORATE - continued.
        when persons vote who are not qualified, 273 n.
        as to mandamus to call public meeting (in Connecticut), 865 n.
        power to adjourn, 269.
    constitution and meetings of councils, 270-273, 872 n.
        mayor and his right to preside, 270-272.
    approval of proceedings by mayor, 271 n. (See Mayor.)
    power of presiding officer to maintain order, 271 n.
    two conflicting councils, remedy, 275.
    acts of de facto officers valid, 276. (See Acts.)
    majority where the body is indefinite, 277.
    majority and quorum of definite body, 278-284. (See Majority; Quorum.)
    quorum of definite body essential, 292. (See QUORUM.)
    concurrence of integral parts, 284, 288, 839, 872.
    number present and acting, how proved, 292 n.
    members present refusing to vote, majority of quorum, 292 n.
    regular or stated meetings, 285, 858.
    mode of proceeding when convened, 288-292.
    power of majority to act when by-law requires a two-thirds vote, 288 n.
    unfinished business at end of session, 288.
    power to act through committee, 289. (See COMMITTEE.)
    power of council to reconsider votes, 290.
    ayes and nays, calling when requisite, 291, 450 n.
    determination of questions should be by formal vote, 291 n.
    when members of council disqualified to act, 292.
    signature of chairman to minutes, 293 n.
    corporation may appoint clerk pro tem., 293.
    power of clerk to amend record after approval, 297.
    adjourned meetings, 265, 287, 298.
    special meetings, 264 n., 286.
     what business may be transacted at special or adjourned meeting, 264 n.,
     effect of refusal of one body to go into joint meeting, 284 n.
     mandamus to compel councils to assemble in joint meeting, 839.
         meeting to be held to levy tax, 858.
MEMBERSHIP
     in municipal corporation, how constituted, 9 n., 40. (See Non-Resident.)
MERCHANDISE,
     taxation of capital employed in, 784.
MERCHANT,
     wholesale and retail, licenses in each capacity, 357 n.
     license tax graduated according to average stock, 357 n.
     general municipal incorporation laws of, 41 n.
     constitutional restrictions on legislative dominion over municipal institu-
       tions, 45 n. on p. 81, 72, 73.
     Detroit Park case, 58 n., 72, 73.
     constitutional provision as to municipal officers, 58.
```

MICHIGAN - continued.

as to punishment by municipalities of offences which are punishable under State laws, 368 n. on p. 440.

municipal courts in, 427 n. on p. 494.

"criminal offence" as used in Constitution construed, 436.

doctrine in respect to contracts to lay patented pavements, 467.

provision that jury shall determine necessity for the taking of private property, 619 n.

assessment for local improvements, 753, 761 n.

MILK.

municipality may require license for sale from vehicles, 369 n. powers with respect to swill milk, 369 n. may prohibit sale of, 396 n.

MINERAL DEPOSITS

in public streets, ownership of, 629, 633 n., 664 n., 687 n., 688. MINNESOTA.

as to liability of municipal corporations to garnishment, 101 n. validity of municipal subscription to stock of railroads, 153 n.

whether municipalities can prescribe punishment for offences punishable under State laws, 368 n. on p. 440.

provision as to trial by jury not applicable to eminent-domain proceedings,

assessments for improvements, rule as to benefits, 625 n., 752 n. on p. 919. doctrine as to right of taxpayer to equitable relief, 920

rule as to liability for change of grade of streets, 990 n. on p. 1225.

MINISTERIAL DUTIES. (See Powers and Duties.)

MINUTES. (See MEETINGS, CORPORATE; RECORDS AND DOCUMENTS.) MISDEMEANOR,

arrest for, without a warrant, 210 n.

conviction void when ordinance not passed in accordance with the law, 291 n.

MISFEASANCE. (See Action and Liability; Negligence; Torts.) MISNOMER (see NAME),

effect of, in grants or obligations, 179, 180.

MISSISSIPPI,

power of municipalities to borrow money, 118 n.

construction of constitutional provision in respect to aid to railroads,

assessments for improvements, rule as to benefits, 625 n., 752 n. on p.

rule in regard to mandamus to compel levy of tax, 849 n.

rule as to liability for change of grade of streets, 990 n. on p. 1225.

MISSOURI,

general municipal incorporation act, 41 n.

when cities may be incorporated by special act, 45 n.

meaning of term "municipal purpose" as used in Constitution, 49 and n. mayor not a State officer within meaning of constitutional provision, 59. as to liability of municipalities to garnishment process, 101 n.

The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052.

MISSOURI - continued.

power of municipalities to prescribe punishment for offences punishable under State laws, 368 n. on p. 439.

constitutional prohibition of municipal aid to railroads, 157 n.

effect of constitutional provision on existing power to aid railroads, 542 n.

township railroad aid act held unconstitutional, 554 n.

assessments for improvements, rule as to benefits, 625 n., 757. special constitutional provision respecting right to lay down railroad tracks, 701 a, n.

assessments for local improvements in, 812.

taxation of vessels in, 787.

doctrine as to right of taxpayer to equitable relief, 919 n.

rule as to damages for change of grade of streets, 990 n. on p. 1223.

constitutional provision requiring compensation for property "damaged," 995 c, n. on p. 1242.

MISUSER,

of dedicated property, remedy, 653.

authority of civil officers to employ force for suppression of, 208 n. destruction of building by, 374 n. on p. 448.

liability for property destroyed by, 959, 960.

MONOPOLIES (see LEGISLATURE; POWERS AND DUTIES),

king's charter cannot confer exclusive right of trading, 33. exclusive rights of trading abolished in England by the Act of 1835, 323.

are contrary to Magna Charta, 362 n. on p. 430.

English statutes and decisions, 362 n. on p. 430.

keeping of slaughter-house, when a monopoly, 374 n. on p. 446.

exclusive privileges in respect to markets, 380, 385 n., 386 n.

municipality may make regulations to prevent, 390.

effect of fourteenth amendment on power of legislature to grant, 103 n., 362 n. on p. 431. (See LEGISLATURE.)

no implied power to create, 114, 359 n., 362, 468, 469, 695, 727.

in favor of gas company, 691-696.

electric light company, 91 n.

water company, 68 a, n. on p. 117, 362 n. on p. 431, 443 n., 691, 695 n.,

legislative grants of exclusive right to supply gas and water are contracts, 68 a, n. on p. 117.

exclusive right to construct railway in streets, 695 n., 715-718.

exclusive municipal grant will not relieve from payment of license or tax, 789. mere taxpayer cannot question power of city to grant, 916 n.

MONTANA,

constitutional provision as to property taken or "damaged" for public

as to street railways and railway tracks, 701 a, n.

MORAL OBLIGATION,

power of legislature to enforce, 75. (See Legislature.) MORALS AND ORDER. (See GOOD ORDER.)

VOL. II. - 50

```
1438
            The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052.
MORTGAGE,
     power to mortgage and pledge property, 579, 665. (See Property.)
         to secure railway aid bonds, 579.
                  water-works bonds, 579.
MORTGAGEES (see CREDITORS),
     not entitled to notice to build sidewalk, 804.
MORTMAIN,
    statutes of, 557, 561, 562.
    not generally in force in this country, 562.
MOTIVES (see LEGISLATURE),
    of legislators not inquirable into by the courts, 311, 312 n.
    applicability of doctrine to municipal bodies, 311-313.
MULLANPHY'S WILL
    establishing charity in St. Louis sustained, 571.
MUNICIPAL ASSEMBLIES. (See Chap. X. sec. 257 et seq.)
MUNICIPAL BONDS. (See Bonds, MUNICIPAL.)
MUNICIPAL BOUNDARIES. (See Chap. VIII., Boundaries.)
MUNICIPAL CHARTERS. (See Chap. V., Sec. 81; Charter.)
MUNICIPAL CORPORATIONS. (See CHARTER; CORPORATIONS; COUNTY),
    design of, 12, 20.
    membership in, how constituted, 9 n., 40. (See Non-Resident.)
    elective franchise uniform and universal, 9, 10 n.
         not universal in England, 13 n.
    subject to control of the legislature, 9, 45, 52-80, 186.
    defined and classified, 9, 18-20.
    what included in term, 20, 48 n.
    what is the corporation, 21, 35, 40.
    defined in English Municipal Corporations Act, 19 n., 36 n.
    complex character of, 14, 21.
    are bodies politic and corporate, 19, 47.
    how distinguished from private corporations, 22.
    distinction between municipal and quasi corporations, 23, 25.
    publicand municipal corporations distinguished, 22. (See Taxing Districts.)
    when public and when private, 26, 72 n., 74 a, n., 172 n.
    may have private property-rights, 27, 66, 68, 68 a.
    public and private rights distinguished, 66.
    creation of, in England, 32-36 and notes.
        constitution of, prior to 1835, 35.
    how created in the United States, legislative sanction essential, 21, 37, 82.
    may exist by prescription in England, 32.
        in the United States, 37, 84.
    power of Congress to create corporations, 38.
        territorial legislatures to create corporations, 38.
    incorporated under general laws, 12, 16, 45.
    special charters creating, 39, 45.
   no particular form of words necessary to create, 42, 82.
```

may be created by implication, 42, 43.

need not specially accept charter, unless required, 44, 82.

The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052 MUNICIPAL CORPORATIONS - continued. existence of, cannot be collaterally questioned, 43 a, 185 n., 418. constitutional provisions as to creation of, 45-51 and notes. may be altered or abolished by legislature, 54, 63-65, 68 a, 82, 170, 185, 187. necessity for incorporation of, 72 n. evils attending municipal administration, 11, 12. remedy suggested, 12. indebtedness of, should be limited, 12. (See Debts.) executive head should have more power and be charged with more responsibility, 13. correction of abuses in, 16. duty of courts in regard to, 16, 168. problem of satisfactory municipal rule, 17. powers of. (See Charter; Contracts; County; Ordinances; Pow-ERS; PROPERTY; QUASI CORPORATIONS; STREETS, &c.) extent of power, limitation on, 89 et seq. complex powers of, analyzed, 17. powers of, classified, 21. incidental powers of, 89-91. charters, general and special powers, 81-164. dissolution of, 165 et seq. name, boundaries, and seal, 175-192. officers and elections, 193-256. corporate meetings, 257-292. (See Notice.) records and documents, 293-305. ordinances and by-laws, 306-423. municipal courts and their jurisdiction, 424-441. contracts of, 442-555. corporate property, 556-582. power of eminent domain may be delegated to, 583-625. rights respecting property dedicated to public use, 626-653 a. relations to streets and public places, 654-734 c. power of taxation and local assessment, 735-822. mandamus to compel discharge of duties, 823-884. quo warranto against, 888-905. remedies to prevent and redress illegal acts, 906-934 a. liability on contracts, 935-947. (See Actions; Contracts.) for torts, 948-1051 a. (See Actions; Negligence.) MUNICIPAL CORPORATIONS REFORM ACTS IN ENGLAND, historical allusion to, 8. the abuses and misrule which led to the enactment of the Act of 1835, 36. summary of its leading provisions, 36. organizes the municipal corporations of England and Wales upon a uniform model, 36. defines who shall be citizens, 36. what the Acts apply to, 19 n.

political rights of women under, 36 n. on p. 63.

```
1440
                                  INDEX.
           The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1052.
MUNICIPAL CORPORATIONS REFORM ACTS IN ENGLAND. -
    provision as to name of corporation, 176.
    effect with respect to corporate meetings, 261.
    notice under the Act, 265.
    exclusive rights of trading abolished by, 323.
    subject of by-laws and their penalties regulated by, 337.
    prevention and suppression of nuisances, 374 n. on p. 450.
    mode of enforcing by-laws, 408.
    provide for establishment of borough courts, 426.
    regulate subject of charitable trusts in England, 567.
    impose certain restraints in respect to real property, 575 n.
    powers conferred in respect to corporate funds and property are public
MUNICIPAL COURTS (see Conviction; Criminal Offences; In-
      DICTMENT; JURY; OFFENCES),
    in England and at common law, 424.
    limited nature of powers of, 425.
    limited powers of, observations of Campbell, J., 440 n
    treated as the tribunals of the corporation, 424.
    under English Municipal Corporations Act, 426.
    American corporation courts, 38, 426 a, 427.
    competent for legislature to establish and to abolish, 427.
    constitutional provisions touching powers and jurisdiction of, 427, 428.
```

constitutional limitations on jurisdiction and powers, 430, 433. distinction between corporation courts and general courts of record, term "inferior court" defined, 427 n. jurisdiction in cases to enforce penalties for violation of ordinances, 410, 411. will take judicial notice of ordinances, 413, 422 n. how and in what name violations of ordinances to be prosecuted, 429. citizens competent judges, jurors, and witnesses, 431. criminal jurisdiction of, 368, 428, 434-439 police magistrate may issue process against body of an offender, 427 n. jurisdiction under statutes or special charters, 438 n. extent of jurisdiction territorially, 430 n., 438 n. civil jurisdiction of, 441. summary proceedings, when valid, 432-439. review of proceedings, and mode, 440, 926. what record of conviction should show, 441 n. appeal from, does not exist unless plainly given, 440 n. acts of officers de facto valid, 892 n. illegal fines imposed by, may be recovered back, 940. MUNICIPAL ELECTIONS AND OFFICERS (see ELECTIONS; OFFICE AND OFFICER), subject treated, chap. ix. sec. 193.

MUNICIPAL INDEBTEDNESS. (See DEBTS.)

The references are to the sections. Vol. I. §§ 1-555; Vol. II. §§ 556-1062.

MUNICIPAL INSTITUTIONS.

historical view, 1.

in Greece, 2; Rome, 3, 3 a; Italy, 5; France, 6, 10; Spain, 7; Russia, 7 a; England, 8; America, 8 a-8 d, 9, 45 n.; evils of municipal rule, 11, 12; suggestions for reform, 12.

value of the American system, 10, 17.

MUNICIPAL MEETINGS. (See MEETINGS.)

MUNICIPIA,

in ancient Rome, 3.

NAME (see Chap. VIII. on Corporate Name, &c., 175),

corporate name may be changed, 85, 171, 172 n., 176, 178.

but municipality cannot change its charter name, 175

but municipality cannot change its charter name, 175. may have more than one, when, 175. omission from charter or act, when not defective, 42. essential, 175. how given or acquired, 175. under English Municipal Corporations Act, 176. prescribed by charter, 177. by reputation, 178, 870. municipality cannot extinguish its debts by changing its name, 170 n. on change of identity not necessarily involved in change of name, 171, 172 n., 176 n., 178 n. in what name to sue and be sued, 176, 181, 237 n., 822 n., 871, 884. to enforce ordinances, 414 n., 416, 429. grants of property not affected by change of, 172 n., 560 n. effect of misnomer in grants, &c., 179, 572 n., 580 n. grants to and by corporation in the corporate name, 560, 581. mandamus, in what name to be directed, 870-874, 884 n. suits by officers, in what name, 237 n., 822 n. to prevent illegal corporate acts, in whose name, 909 et seq.

to prevent illegal corporate acts, in whose name, 909 et s

NATURAL STREAMS

and surface water, distinction, 1038.

NAVIGATION (See Purple LANDING: WHARVES)

NAVIGATION. (See Public Landing; Wharves.) NEBRASKA,

constitutional prohibition of special acts conferring corporate powers construed, 46 n.

doctrine as to implied power of municipalities to borrow money, 118 n., 119 n. power of county commissioners to levy a "sinking-fund tax," 136 a, n. validity of municipal subscriptions to stock of railroads, 153 n. municipality can prescribe punishment for offence punishable under State law, 368 n. on p. 440.

prosecutions under ordinances, in whose name, 429 n.

construction of constitutional provision limiting municipal indebtedness, 529 a, n. on p. 610.

special constitutional provision respecting street railroads, 701 a, n.